



Town of North Hampton
Office of the Selectmen
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North Hampton, NH 03862-0710

John Anthony Simmons, Chairman
Zoning Board of Adjustment
Tel 603.964.8650
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**Town of North Hampton
Zoning Board of Adjustment**

CASE #: _____

APPLICATION FOR RELIEF

Date: _____ **Building Inspector:** Richard Mabey

Applicant: _____ **Address:** _____

Phone Number/s: _____

Owner of Property: _____ **Address:** _____

Location of Property: _____

Tax Map/Lot #: _____ **Zoning District:** _____

Jurisdiction:

- | | |
|---|--|
| <input type="checkbox"/> <u>NH RSA 676:5 / 674:33 I.(a)</u> (*) | Appeal from a Decision of an Administrative Officer |
| <input type="checkbox"/> <u>NH RSA 676:5 / 674:33 I.(b)</u> (*) | Appeal from a Decision of an Administrative Officer — Request for Variance |
| <input type="checkbox"/> <u>NH RSA 676:5 / 674:33 IV</u> | Request for Special Exception) |
| <input type="checkbox"/> <u>NH RSA 674:33-a</u> | Request for Equitable Waiver |
| <input type="checkbox"/> <u>NH RSA 676:5 III</u> (*) | Appeal of Planning Board Decision |
| <input type="checkbox"/> <u>Other: NH RSA</u> (*) | _____ |

(*) *Written documentation of the Decision from which the Appeal is being taken must accompany this Application.*

Description of All Relief Requested: [Specify Article(s) and Section(s) of Zoning Ordinance(s).]

(add pages as necessary)

Payment Amt. _____ **Received by** _____ **Date** _____

General Provisions:

- (i) **Required Signature(s):** This Application must be either signed by the Owner of the Property, or accompanied by the written authorization or statement of the Owner of the Property, if an Agent/Designee of Owner is filing the Application.
- (ii) **Prior Board Activity:** Disclose in writing and attach hereto, the date(s) of all previous actions taken, relief granted/denied by this Board regarding the subject parcel.
- (iii) **List of Abutters:** It is the primary responsibility of the Applicant to identify all abutters to whom notice is to be given. By submission of this Application, the undersigned certifies that the list of abutters is accurate, correct and complete and includes holders of any Conservation or Development easements of records.
- (iv) **Sworn Testimony; Accuracy of Information:** By submission of this Application, the undersigned certifies that all information filed is accurate, correct and complete.

INACCURATE OR INCOMPLETE EVIDENCE OR TESTIMONY MAY BE USED AS REASON BY THE BOARD TO DENY OR DEFER ACTION ON AN APPLICATION. ALL TESTIMONY WILL BE RECEIVED UNDER OATH PURSUANT TO NH RSA 673:15.

- (v) **Permission to Inspect:** By submission of this Application, the undersigned hereby grant(s) permission to any Board Member or Alternate, and/or a designated representative, including, but not limited to, the Building Inspector, from time to time, to enter upon the premises subject to the Application, to inspect, "site walk," or otherwise take notice of its characteristics and conditions.
- (vi) **The Variance Standard:** Written submittal of the five variance standards is required as part of the application. See attached sheet for either (a) "Use – Simplex Analysis" or (b) "Area – Boccia Analysis."
- (vii) **Acknowledgement of Receipt of Rules of Procedure:** _____

Signed or Initialed

Check as Applicable

Signed: _____
Petitioner

Signed: _____
Designee

Name (Please Print) _____

Name (Please Print) _____

Capacity/Title _____

Capacity/Title _____

Applications must be submitted before 12:00 noon on the last working day of the month to the Planning & Zoning Administrator, along with a \$100.00 filing fee, a \$50.00 review fee and a \$6.00 per abutter to be notified, (Conservation Commission & Heritage Commission required as abutters on all applications), two lists of abutters shall be submitted on Avery 5160 labels and eleven (11) copies of a Site Plan showing, at a minimum, lot lines, existing structures, septic system and leach field, well, setbacks, size of property, frontage, and other pertinent information, including, but not limited to, conservation easements, Current Use enrollment, and any other restrictions or encumbrances of record. Meetings are scheduled according to North Hampton Zoning Board of Adjustment Rules of Procedure. Petitioner or designee must be present.

Questions can be directed to the Building Inspector or Planning and Zoning Administrator at (603) 964-8650.

THE VARIANCE STANDARD

“Use Variance – Simplex Analysis”

(Applicant bears the Burden of Proof)

See NH RSA 674:33,I(b)

1. Granting the variance will **not** be **contrary to the public interest**.

2. Special conditions exist such that literal enforcement of the ordinance **will result in unnecessary hardship**.

Applicant seeking **use variance**—**Simplex** Analysis: (See Simplex Technologies v. Town of Newington, 145 NH 727)

- i. The zoning restriction as applied to the property interferes with the landowner’s reasonable use of the property, considering the unique setting of the property in its environment.
- ii. No fair and substantial relationship exists between the general purposes of the zoning ordinance and the specific restriction on the property; and,
- iii. The variance would not injure the public or private rights of others.

3. Granting the variance is consistent with the **spirit of the ordinance**.

4. By granting the variance **substantial justice** will be done.

5. Granting the variance will **not diminish the values of surrounding properties**.

THE VARIANCE STANDARD***“Area Variance – Boccia Analysis”***

(Applicant bears the Burden of Proof)

See NH RSA 674:33,I(b)

1. Granting the variance will **not** be **contrary to the public interest**.

2. Special conditions exist such that literal enforcement of the ordinance **will result in unnecessary hardship**.

Applicant seeking **area variance**—**Boccia** Analysis (See Michael Boccia v. City of Portsmouth, Supreme Court of NH, Opinion Issued May 25, 2004)

- i. An area variance is needed to enable the applicant’s proposed use of the property given the special conditions of the property.
- ii. The benefit sought by the applicant cannot be achieved by some other method reasonably feasible for the applicant to pursue, other than an area variance.

3. Granting the variance is consistent with the **spirit of the ordinance**.

4. By granting the variance **substantial justice** will be done.

5. Granting the variance will **not diminish the values of surrounding properties**.
